

Remarks

Claims 1-6 and 9 are pending herein. By this Amendment, the specification and claims 1-3 and 9 have been amended, and claims 7 and 8 have been cancelled.

Claim 1 has been amended in part to add the language --single-layer type-- before “electrophotosensitive material”. Support for this added language can be found in the specification at, e.g., page 19, line 21 to page 20, line 1, all the Examples, and canceled claim 8.

Claim 1 has been further amended to change the recitation “an electric charge transferring material” to the recitation --an electron charge transferring material and a hole transferring material as electric charge transferring materials--. Support for this recitation can be found in the specification at, for example, page 37, lines 4-14.

Claim 1 has also been amended to include a portion of the contents of canceled claim 7. In addition, claim 1 has been amended to recite the respective amounts of the electron transferring material and the hole transferring material. Support for the recited amounts can be found in the specification at, e.g., page 42, lines 4-17 and in all of the Examples.

Claims 2 and 9 have been amended to clarify that they are claiming the material, not an apparatus.

Claim 3 and the specification have been amended to change the term “polyallylate” to --polyarylate--.

In the Office Action, claim 3 is objected to; claims 2 and 9 are rejected under 35 U.S.C. §112, second paragraph; and claims 1-9 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 3-037663 (“JP ‘663”).

In view of the amendments and remarks herein, Applicants respectfully request reconsideration and withdrawal of the objection and rejection set forth in the Office Action.

I. Objection to Claim 3

Claim 3 is objected to because the term “polyallylate” appears to be an incorrect transliteration of the term “polyarylate”. Claim 3 and the specification have been amended to change the term “polyallylate” to --polyarylate--.

II. Rejection of Claims 2 and 9 Under 35 U.S.C. §112, Second Paragraph

Claims 2 and 9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner refers to the recitation “The electrophotosensitive material according to claim 1, wherein the electrophotosensitive material is loaded on an image forming apparatus”. According to the Examiner, the claims are indefinite because it is unclear if the claims are limited to the material of claim 1 which has the capability of being loaded in the specific apparatus or if the claims are actually limited to the apparatus having the material. In the latter case, the claims would be considered indefinite because the only structure recited for the apparatus is the material already present in claim 1. In such case, claims 2 and 9 would not properly limit claim 1. In summary, it is unclear to the Examiner whether claims 2 and 9 are claiming the material or claiming an apparatus.

Claims 2 and 9 have been amended to clarify that they are claiming the material, not an apparatus. Accordingly, Applicants respectfully submit that amended claims 2 and 9 are not indefinite.

III. Rejection of Claims 1-9 Under 35 U.S.C. §102(b)/§103(a)

Claims 1-9 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over JP ‘663. Claims 7 and 8 have been canceled. Claim 1 is independent. Thus, claims 2-6 and 9 depend directly or indirectly upon claim 1.

JP ‘663 is cited for disclosing an electrophotosensitive material having a conductive substrate, a single layer containing an azo pigment charge generation material (see compounds 17 and 18 at page 4; see instant claim 7 at formula (2)), a Y-titanylphthalocyanine charge generation material, a binder resin (page 5) and a charge transfer material (see pages 4-5). Figure 7 in JP ‘663 is mentioned for showing a single photosensitive layer having a combination of charge generation materials, binder resin, and charge transport material. The reference is further cited for teaching that specifically disclosed binder resins are polycarbonates and polyesters (see polymers P-1 and P-2; page 5, bottom). In the Examples in JP ‘663, the photosensitive layer is coated from a solution. The electrophotosensitive material is placed in an imaging apparatus as seen in Fig. 5 of the reference.

According to the Examiner, because JP ‘663 discloses a Y-titanylphthalocyanine, the compound inherently has the required characteristics of instant claims 4 and 5. Furthermore, the

Examiner states that because the reference produces a material with both the requisite azo compound and requisite titanylphthalocyanine, the material inherently has an absorbance relationship as specified in the instant claims.

Claim 1 has been amended to limit the insoluble azo pigment to those recited in canceled claim 7 except for that represented by general formula (2) wherein X11 is of formula (21). Thus, the azo pigment in amended claim 1 can be a monoazo pigment of general formula (1), a disazo pigment of general formula (2) wherein X11 is of general formula (22), a disazo pigment of general formula (3), a disazo pigment of general formula (4), a disazo condensed pigment of general formula (5), or a disazo condensed pigment of general formula (6).

JP '663 does not teach or suggest the use of an azo pigment corresponding to any of those now recited in amended claim 1. Thus, for at least this reason, JP '663 does not anticipate or render obvious claims 1-6 and 9.

Furthermore, amended claim 1 relates to a single-layer type electrophotosensitive material wherein the photosensitive layer contains an electric charge generating material, electric charge transferring materials containing both of an electron transferring material and a hole transferring material, an insoluble azo pigment and a binder resin in a simple layer construction. JP '663 does not teach or suggest a single-layer type electrophotosensitive material containing any of the azo pigments now recited in amended claim 1. Furthermore, JP '663 is silent regarding the amounts of the electron transferring material and hole transferring materials now recited in claim 1.

Thus, for at least these additional reasons, Applicants submit that JP '663 does not anticipate or render obvious instant claims 1-6 and 9.

IV. Conclusion

In view of the amendments and remarks herein, Applicants respectfully request that the objection and rejections set forth in the Office Action be withdrawn and that claims 1-6 and 9 be allowed.

If any additional fees under 37 C. F. R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300, Order No. 032739M087.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP

By:



Michael A. Makuch, Reg. No. 32,263

1850 M Street, N.W., Suite 800

Washington, D.C. 20036

Telephone: (202) 263-4300

Facsimile: (202) 263-4329

Dated:

23 January 2006

MAM/MM